

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:03CV111-V

FITEL USA CORPORATION, d/b/a  
FURUKAWA ELECTRIC NORTH  
AMERICA, INC.

Plaintiff,

vs.

ALCATEL, Alcatel NA Cable Systems  
Inc., d/b/a Alcatel Telecommunications  
Cable, and Alcatel USA,  
Defendants.

ORDER

**THIS MATTER** is before the Court on its own motion. By way of its Memorandum and Order dated April 23, 2004, the undersigned stayed litigation in this action pending reexamination of Plaintiff's '838 patent by the U.S. Patent and Trademark Office ("USPTO"). (Document #21) Plaintiff in fact moved for reexamination in May 2004 - over two years ago. In its most recent Status Report, dated June 8, 2006, Plaintiff advised the Court that the U.S. Patent and Trademark Office notified Plaintiff that it intended to allow the '838 patent claims to issue. (Document #25) At that time, however, no reexamination certificate had been issued to that effect.

**IT IS, THEREFORE, ORDERED** that Plaintiff is directed to submit a Status Report, **on or before Friday, October 27, 2006.** Plaintiff is asked to address within its Status Report whether or not it would be proper for this case to be administratively closed, subject to reopening in the event any justiciable case or controversy arises in the future.

Signed: October 3, 2006



Richard L. Voorhees  
United States District Judge

